

AMENDMENTS TO THE DRAWINGS

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: "128" and "D."

FIGS 11C and 12 are amended to include the inadvertently missing references. In FIG. 11C, the reference "D" is included to reference the displacement moved as noted at page 11, lines 17-18 of the present application. FIG. 12 is amended to include connecting/displacement impeding member 128 as described at page 12, lines 2-9. A replacement sheet including the amended figures attached in the Appendix following page 12 of this paper.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The "features" set forth in claim 5 must be shown or the feature(s) canceled from the claim.

Claim 5 is cancelled.

REMARKS

Claims 1-34 are pending in the application

Claims 15 and 18-20 are withdrawn.

Claims 1-9, 14, 16, 17, 21, 22, 24, 25, 27-29 and 32 are rejected.

Claim 5 is cancelled. Claims 1-4, 6-14, 16, 17 and 21-34 are amended.

Claims 1-4, 6-14, 16, 17 and 21-34 remain in the case for consideration.

Applicant requests reconsideration and allowance of the claims in light of the above amendments and following remarks.

Restriction Requirement

In the Applicants' Response to Restriction Requirement dated March 24, 2005, the Applicants elected the species of FIGS. 6 and 7 and specifically elected claims 1-14, 16, 17 and 21-34 as reading upon FIGS. 6 and 7. That resulted in the Applicants withdrawing claims 15 and 18-20 from consideration.

In the Office Action dated April 11, 2005, the Examiner has materially changed this election and without any acceptance or election by the Applicants by also withdrawing claims 10-13, 23, 26, 30, 31, 33 and 34. Thus, the withdrawal of these specific claims was not made without traverse. Applicants' believed because the Restriction Requirement dated January 24, 2005 asked to elect species based on drawing figures and not sets of claims, it was up to the Applicants to determine what claims applied to the elected species. Thus, applicants ask that claims 10-13, 23, 26, 30, 31, 33 and 34 be reconsidered for prosecution.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: "128" and "D."

FIGS. 11C and 12 are amended to include the inadvertently left out reference signs. A replacement sheet with the amended figures is attached to the Appendix following page 12 of this paper.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The "features" set forth in claim 5 must be shown or the feature(s) canceled from the claim.

Claim 5 is cancelled.

Claim Rejections – 35 USC § 102

Claims 1-3, 6-9, 14, 16, 17, 21, 22, 24, 25, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by published U.S. Patent Application No. US2001/0032351 to Nakayama et al. ("Nakayama"). The rejections are respectfully traversed.

With respect to amended independent claim 1, the claim is amended to clarify that it is a bicycle helmet that is being claimed and that the interface layer is structured to divert the tangential impact force into the displacement of the outer helmet layer. As is extensively described in the first five paragraphs of the Detailed Description beginning on page 4 at line 5, bicycle helmets are a primary concern of the present application.

Nakayama discloses in the Field of the Invention that the invention described in Nakayama "relates to a helmet which a driver of a vehicle such as a motorcycle or a racing car wears." Further, the figures in Nakayama show the type of helmet worn by race car drivers and racing motorcycle riders. Nakayama does not disclose using the described invention in a bicycle helmet and, further, does not enable one of ordinary skill in the art of bicycle helmets to make a bicycle helmet using the described invention.

Nakayama extensively refers to a rotational or tangential component of force being *absorbed*. Nowhere does Nakayama refer to the load being diverted into rotation displacement. In fact, in paragraph [0040], Nakayama explicitly discloses that "excessive rotation is restrained."

Further, Nakayama only discloses full-face type helmets typically used for race car driving and motorcycle racing. This type of helmet would not be conducive to divert a tangential impact into a large displacement of the outer shell because the full-face portion of the helmet could impact the wearer's neck causing further injury.

Thus, Nakayama fails to disclose each and every element of amended independent claim 1. Therefore claim 1 is believed to be allowable over the cited art of record and allowance is respectfully requested.

Claims 2-3, 6-9, 14, 16, 17, 21 and 22 all depend from amended independent claim 1, and for at least the reasons given for claim 1, these claims are believed to be allowable and allowance is respectfully requested.

Further with respect to claim 22, this claim recites that the outer layer has a front lower surface capable of providing further protection to the face when the outer layer is displaced. As stated above, if Nakayama's outer helmet layer displaces enough to divert the tangential impact force, the full-face portion of the helmet will impact the neck. Thus,

Nakayama's outer helmet cannot displace enough for any kind of attachment on the outer helmet to protect the face of the wearer.

With respect to amended independent claim 24, the claim is amended to recite that the method comprises joining an inner *bicycle* helmet and an outer *bicycle* helmet and to clarify that the tangential impact force is diverted into the displacement of the outer bicycle helmet. As described above, Nakayama does not disclose or enable the use of Nakayama's described invention with a bicycle helmet. Also as described above, Nakayama's helmet does not divert a tangential impact force into displacement of the outer helmet. Nakayama is only concerned with absorbing the tangential impact force.

Thus, Nakayama fails to disclose each and every element of amended independent claim 24. Therefore, claim 24 is believed to be allowable over the cited art of record and allowance is respectfully requested.

Claims 25, 27 and 28 all depend from amended independent claim 24, and for at least the same reasons given for claim 24 these claims are believed to be allowable and allowance is respectfully requested.

Further with respect to claim 25, the claim recites the relatively large displacement of the outer bicycle helmet. As stated above, Nakayama explicitly restrains large displacements of the outer helmet.

Claim Rejections – 35 USC § 103

Claims 4, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama in view of US Patent No. 4,064,565 to Griffiths ("Griffiths"). The rejections are respectfully traversed.

Claims 4, 29 and 32 all recite that the helmet retention system secures the inner helmet to the wearer's head. By securing the inner helmet to the wearer, the outer helmet is allowed to displace and thereby divert a tangential impact load.

Griffiths merely discloses chin straps 13 mounted to the helmet. Typically, chinstraps are securely mounted to the outer layer, thereby preventing displacement of the outer layer.

Griffiths does not solve the shortcomings of Nakayama in that Griffiths does not disclose or enable how a person of ordinary skill in the art of bicycle helmets would use the invention described in Nakayama as applied to bicycle helmets. Further, Griffiths fails to disclose a helmet retention system that secures the inner helmet to the wearer.


Thus, because Nakayama in view of Griffiths fails to disclose each and every element of claims 4, 29 and 32, these claims are believed to be allowable over the cited art of record and allowance is requested.

For the foregoing reasons, reconsideration and allowance of claims 1-4, 6-14, 16, 17 and 21-34 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

Customer No. 20575

MARGER JOHNSON & McCOLLOM, P.C.


James A. Hilsenteger
Reg. No. 53,023

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204 (503) 222-3613